

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1016 OF 2005

First Global Stockbroking P.Ltd.Mumbai .. Petitioner
V/s
The Tax Recovery Officer, Mumbai .. Respondent

Mr.Sunip Sen i/by Mr.Kedar Dighe for the Petitioner.
Dr.P.Daniel with Mr.A.S.Rao for Res.Nos.1 & 2.
Mr.P.K.Mody with Mr.Sagar Divekar i/by M/s.Wadia Ghandy
& Co.for Respondent No.4.
Mr.S.S.Shetty i/by Mr.K.Gopal for Respondent No.3.

**CORAM: DR.S.RADHAKRISHNAN &
J.H.BHATIA, JJ.**

DATE : 18/07/2005.

P.C.:

1. Heard the learned Counsel for the parties. By this Petition, the Petitioner is challenging the order passed by the Income Tax Department under Section 226(3) of the Income Tax Act. The dues claimed by the Income Tax Department are around 299.27 crores. The learned Counsel for the Petitioner states on instructions that the Petitioner is not even able to arrange Rs.1 lakh per month. The matter is pending before the Income Tax Appellate Tribunal. To secure the interest of the Revenue, the Income Tax Department has only levied the attachment. There is no perversity or illegality in the said order of attachment levied by the Department. Under these circumstances, we are not inclined to exercise our jurisdiction under Article 226 of the Constitution of India. Petition stands dismissed.

(DR.S.RADHAKRISHNAN J.)

